IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22766 of 2004

Between:

1 B. Konda Babu, s/o Bapu Naidu,
2 B. Varalakshmi, w/o Konda Babu,
3 B. Parvathamma, W/o Late Bapu Naidu,
4 B.Mahalakshmi Naidu, S/o Bapu Naidu,
5 B.Govardha, s/o Bapu Naidu,
6 B. Lakshman Kumar, s/o Bapu Naidu,
7 B. B. Sreedevi, w/o Goverdhan,
8 K. Mangaveni, W/o Ganesh,
(All are residents of Anakapalli,Visakhapatnam District)

..... PETITIONERS

AND

1 The Sub Inspector of Police, Anakapalli Town Police Station, Anakapalli, Visakhapatnam District.
2 The Inspector of Police, Anakapalli, Visakhapatnam District.
3 The Deputy Superintendent of Police, Anakapalli, Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in harassing and insisting the petitioners by calling them to the Police Station and pay the illegal claims without registering any crime as violative of Article 21 of the Constitution of India and consequently direct the respondents not to harass and insist the petitioners by calling them to the Police Station for payment of illegal claims without registering any crime and pass such other order or

orders.

Counsel for the Petitioner:MR.M.KESAVA RAO

Counsel for the Respondents 1 to 3: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioners complain that the respondents are harassing and calling them indiscriminately to the police station without initiating any proceedings. Several instances as well as the background therefor are stated.

Heard learned counsel for the petitioners and learned Government Pleader for Home.

Though the petitioners have stated various facts, which are said to be the root causes for the interference by the respondents, in the affidavit, this Court is not inclined to deal with the same in this writ petition. The fact remains that the respondents can interfere or take action against the petitioners only when there exists a specific complaint alleging criminal acts against them and after registration of a case under relevant provision of law. In the absence of such complaint or without registering any case, they cannot interfere with the freedom and rights of the petitioners. If what is stated by the petitioners is true, it amounts to serious dereliction on the part of the police officials concerned.

Hence, the writ petition is disposed of directing that the respondents shall not harass or otherwise interfere with the rights of the petitioners, except where any case is registered against them alleging any criminal acts on their part. No order as to costs.

15.12.2004

Note:

Issue CC in three days.

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To

1 The Sub Inspector of Police, Anakapalli Town Police Station,
Anakapalli, Visakhapatnam District.
2 The Inspector of Police, Anakapalli, Visakhapatnam District.
3 The Deputy Superintendent of Police, Anakapalli, Visakhapatnam District.

4 Two CCs. to the G.P. for Home, High Court of A.P.,

Hyderabad(OUT)

5 Two CD copies.